



## **500.29 Vehicle Apprehension**

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### **POLICY**

The foremost goal of the Hendry County Sheriff's Office is the protection of life and property; therefore, those circumstances under which vehicle apprehensions will be permitted will be restricted and regulated.

### **PROCEDURE**

#### **A. PROCEDURES**

1. Deputies are authorized to engage in a vehicle apprehension in an attempt to detain suspects who demonstrate violence or who pose an immediate specific continuing threat to public safety. Therefore, deputies may engage in a vehicle apprehension if one or both of the following conditions exist:
  - a. Deputies shall pursue, attempt to stop, and apprehend as expeditiously and safely as possible, any person in a vehicle who the Deputy reasonably believes has committed, or attempted to commit a felony, misdemeanor, or traffic violation.
  - b. A Deputy may initiate a pursuit for a suspect in a forcible felony, non-forcible felony, misdemeanor or traffic violation, but must immediately notify the appropriate supervisor who will control the pursuit.
  - c. A Deputy engaged in a pursuit situation is not relieved from duty to drive with due regard for the safety of all persons, nor shall the provisions of F.S. 316.072, protect the deputy from the consequences of his or her reckless disregard for the safety of others.
  - d. Additionally, all deputies engaged in a pursuit situation shall comply with the following procedures.
2. Primary Apprehension Unit will:
  - a. Immediately notify the Telecommunications Center that a vehicle apprehension is underway by using the appropriate 10-code and provide the following information:
    1. Location, speed and direction of travel of the fleeing vehicle.
    2. Descriptive information of the fleeing vehicle as it becomes known, (e.g., make/model, color, license plate, number and description of occupants, etc.)
    3. Circumstances supporting the decision to apprehend including laws violated.
    4. Initial risk factor evaluation (low, moderate, high) by the primary unit and relayed to the immediate supervisor.
3. Secondary Apprehension Unit will:

- a. Immediately notify the Telecommunication Center of its identity and position as the secondary unit.
  - b. Assume the responsibility of communications during the apprehension, continually providing significant information to the Telecommunication Center and active units. This responsibility shall not restrict the supervisor from giving instructions and/or directions to the primary apprehension unit, the secondary apprehension unit, back-up units, or the Telecommunication Center.
  - c. Provide a continuing risk factor evaluation (low, moderate, high) to the immediate supervisor.
  - d. Maintain a safe distance from the primary unit, but be close enough to render assistance.
  - e. Become the primary unit, should the primary unit become disabled; if this occurs, the immediate supervisor will designate a new secondary unit.
4. Third Apprehension Unit will:
- a. Immediately notify the Telecommunications Center of its identity and position as the third unit.
  - b. Maintain a safe distance from the secondary unit, but close enough to render assistance if the Primary or Secondary becomes disabled; if this occurs, the immediate supervisor will designate a new third unit.
5. Immediate Supervisor will:
- a. Maintain overall responsibility for the decisions concerning continuance or termination of the apprehension. The supervisor shall assert control of the apprehension by monitoring and directing specific units into or out of the vehicle apprehension; re-designating primary, secondary, Aviation, and back up units; approving or ordering alternative tactics; or terminating the vehicle apprehension if appropriate.
  - b. Upon being notified of the vehicle apprehension, the supervisor shall verify the following:
    - 1. The offense for which the vehicle apprehension was initiated.
    - 2. That no more than the required number of units is involved in the vehicle apprehension.
    - 3. Proper radio channels are being utilized.
    - 4. If necessary, determine the availability of an Aviation Unit and utilize or coordinate accordingly.
      - a. A supervisor may use the helicopter in a surveillance mode or a vehicle apprehension mode. The vehicle apprehension mode shall be utilized in conjunction with the ground units involved in an actual vehicle apprehension.
      - b. If a ground unit encounters a suspect vehicle that poses a high probability of fleeing, determine if the Aviation Unit should be immediately notified in order to secure a rapid response before any attempt to stop the vehicle occurs.
5. Ensure affected inter-jurisdiction agencies or districts are notified.
- a. During a vehicle apprehension, the supervisor may assign active roles to support units including, but not limited to, paralleling the vehicle apprehension; assigning support personnel to potential termination locations; and/or transferring equipment or personnel as necessary.
  - b. The supervisor shall remain in charge of the incident until its conclusion unless relieved by competent authority or a higher authority actively directs personnel involved in the vehicle apprehension.

6. Telecommunication Center will:

- a. Upon notification that a vehicle apprehension is in progress, Communication Center personnel shall:
  1. Immediately initiate emergency radio traffic (10-33) and advise all other units that a vehicle apprehension is in progress, providing all relevant information, including unit numbers of the primary and support units.
  2. Receive and record all incoming information on the fleeing vehicle.
  3. Ensure that the immediate supervisor, watch commander or other competent authority is aware of the situation.
  4. If requested, ascertain the availability of an Aviation Unit and report their status to the supervisor directing the vehicle apprehension.
  5. Perform all relevant record and motor vehicle checks as expeditiously as possible and hold that information until requested to broadcast it.
  6. Monitor all radio communications during the vehicle apprehension and if necessary, repeat information provided by active units.
  7. Coordinate and dispatch back-up assistance as directed by the supervisor.
  8. Notify affected area agencies or districts and attempt to establish a common radio network when the vehicle apprehension has or is likely to cross jurisdictional boundaries.
  9. Continue to monitor the vehicle apprehension until it has been terminated, ending emergency radio traffic (10-33) when authorized by the supervisor.

7. Aviation Unit will:

- a. Provide aerial support to units on the ground involved in the apprehension of suspects who may flee or are fleeing from ground units.
  1. Visually observe the fleeing vehicle and advise ground units of any additional information that may assist in the apprehension.

B. OPERATIONAL TACTICS

1. Upon initiation of a vehicle apprehension, these risk factors should be taken into consideration:
  - a. **High Risk** - A deputy may pursue the violator for a forcible felony or if the violator's actions pose an immediate specific continuing threat, however, the deputy must discontinue the vehicle apprehension if the risks to public safety exceed the seriousness of the offense. High risk assessment factors include, but are not limited to:
    1. Frequent intersecting streets (e.g., business district).
    2. Poor weather, slippery streets, low visibility.
    3. Blind curves, intersections, narrow roads.
    4. Numerous pedestrians.
    5. Speeds twice the posted limit, or greater than 80 mph.
    6. Extremely hazardous maneuvers (e.g., driving against on-coming traffic, running red lights).
    7. Numerous law enforcement vehicles in apprehension.
    8. Deputy excited, not in full control of emotions.
    9. Special circumstances (e.g., school zone).
  - b. **Moderate Risk** - A deputy may pursue the violator for a forcible felony or if the violator's actions pose an immediate specific continuing threat, however, the deputy must continue to assess the risks to public safety. Moderate risk assessment factors include, but are not limited to:

1. Some intersecting streets (e.g., residential area).
2. Light pedestrian traffic.
3. Moderate traffic, little congestion.
4. Speeds greater than the posted limit.
5. Deputy generally calm, under control.
6. Some hazardous, but not extreme maneuvers (e.g., crossing centerline to pass other vehicles, sudden lane changes).
7. Authorized number of law enforcement vehicles in apprehension.
- c. **Low Risk** - A deputy may pursue the violator for a forcible felony or if the violator's actions pose an immediate specific continuing threat, however, the deputy must continue to assess the risks to public safety. Low risk assessment factors include, but are not limited to:
  1. Straight road, good surface, clear lines of sight.
  2. Few intersections.
  3. Few or no pedestrians.
  4. Good weather.
  5. No hazardous maneuvers by violator.
  6. Speeds safe for conditions.
  7. Authorized number of law enforcement vehicles in apprehension.
  8. Deputy calm, in full control.
  9. Helicopter involved.
  10. Little or no traffic.
  11. DUI type driving patterns.
2. The primary apprehension unit, the secondary apprehension unit and the third apprehension unit will be the only ground vehicles to pursue a fleeing vehicle, unless specific authorization has been granted by a supervisor.
  - a. When possible, a K-9 deputy will be utilized to assist in the vehicle apprehension.
  - b. When a K-9 deputy is utilized in a vehicle apprehension (not as a primary unit), the K-9 deputy will maintain the number four position during the vehicle apprehension.
3. Method of vehicle apprehension:
  - a. A caravan of unassigned units is prohibited. The supervisor will ensure that only those emergency units that are necessary will actively engage in any vehicle apprehension.
  - b. Units should never follow a suspect vehicle the wrong way on a limited access roadway and should use extreme caution if the suspect vehicle proceeds the wrong way on a one-way street or other controlled access highway.
  - c. Units will not pass one another unless authorized by the primary unit or the supervisor in charge.
  - d. At the direction of the supervisor, back-up units may maintain a reasonable and safe following distance, otherwise they are to remain alert to the direction and progress of the vehicle apprehension, and may position themselves at strategic sites along the probable vehicle apprehension route, or on parallel roadways for response to any emergencies that may develop.
  - e. Motorcycle units will discontinue a vehicle apprehension when a marked patrol car is present.
  - f. Unmarked vehicles properly equipped with blue lights and sirens are permitted to engage in a vehicle apprehension, but will be relieved by the first available marked vehicle. Unmarked vehicles may then act as secondary units until a second marked

- vehicle is present, at which time the unmarked vehicle will discontinue the vehicle apprehension mode and continue safely if additional units are required.
- g. All units should terminate the vehicle apprehension when radio communications with the Telecommunications Center or their immediate supervisor is lost.
  - h. The use of agency approved vehicle disabling devices, commonly known as “Stop Stick” or “Stinger”, is encouraged as a means of terminating vehicle apprehensions. Use of such devices is not considered deadly force.
    - 1. Deployment of a vehicle disabling device is at the discretion of any deputy who can safely deploy the device; however the deploying deputy must coordinate such deployment through the immediate supervisor.
    - 2. The vehicle disabling device will only be deployed by personnel who have viewed the appropriate training material generated by the Training Unit.
    - 3. Vehicle disabling devices shall not be deployed to terminate motorcycle vehicle apprehensions.
    - 4. Due care will be utilized to ensure the safety of the general public, other responding deputies and subjects in the fleeing vehicle.
  - i. Roadblocks
    - 1. A roadblock is the use of a barricade or other obstruction of a roadway to reroute, stop, or prevent the escape of a fleeing vehicle, not including issued tire deflators. Authorized roadblocks include fixed/stationary, circle system, given that the criteria below are met.
      - a. The extreme danger inherent in the use of roadblocks mandates that they should be used only after lesser means of apprehension have either failed or have been determined to be ineffective or impractical. A deputy will not establish fixed roadblocks unless and until such action has been approved by a supervisor with the rank of lieutenant or above.
        - 1. The use of a stationary or fixed roadblock to terminate a vehicle apprehension will be considered a use of deadly force. Employees should consider this an option of last resort and only used in situations where the use of deadly force is authorized.
      - b. Criteria for establishing a roadblock shall require that hazards or risks to the general public would be greater in the absence of a roadblock.
      - c. When evaluating the necessity for a roadblock, the supervisor should consider the type of roadblock to be used, the nature of the act or circumstances which the roadblock is intended to thwart, and if alternate actions are available.
  - j. A deputy shall not discharge his/her firearm at or from a moving vehicle unless an occupant of the fleeing vehicle is using deadly force against him/her or another person.
  - k. When aerial surveillance is available, the pilot will notify the Telecommunications Center of their response and arrival as soon as possible. Should ground units lose sight of the suspect vehicle, the aircraft becomes responsible for communicating the progress of the suspect vehicle. Consideration should be given to apprehending units breaking away from the vehicle apprehension and to leave adequate opportunity for the suspect vehicle to take an alternate plan.
- C. TERMINATION OF A VEHICLE APPREHENSION
- 1. Deputies and supervisors shall comply with the pursuit termination guidelines

2. If visual contact with the pursued vehicle is lost or communications are lost between the primary unit and Telecommunications, or the Supervisor, the pursuit shall be terminated immediately.
  3. An emergency response mode shall be terminated immediately in the event of an equipment failure involving an emergency signal device, radio, brakes, steering, or other essential mechanical equipment or damage to the patrol vehicle which creates a driving hazard.
  4. If a pursuit is terminated for any reason, deputies shall provide Telecommunications with the location where the vehicle was last seen, its speed, and last direction of travel.
  5. During pursuits, “shadowing” or “following”, for the purpose of surveillance, after the order to terminate has been given, is not authorized. Units may be available for calls in the area. Keeping the target vehicle in view effectively constitutes continuation of the pursuit and is prohibited.
  6. **FORCIBLE FELONY:**
    - a. The supervisor may continue the pursuit until the suspect has been stopped or until the likelihood that death or great bodily harm may result if the pursuit continues.
    - b. Should the deputy of the supervisor become aware of information identifying the fleeing forcible felon, with enough probable cause to obtain a warrant, and it is reasonably certain that the felon no longer poses a serious threat to anyone, the pursuit may be terminated.
  7. **NON-FORCIBLE FELONIES, MISDEMEANORS AND TRAFFIC VIOLATIONS:**
    - a. If, in the opinion of the supervisor, there is a clear and unreasonable danger to the deputy, other users of the roadway, and/or the fleeing driver and/or passengers of the fleeing vehicle, created by the pursuit that outweighs the necessity for immediate apprehension.
    - b. The suspect’s identity has been established to the point that later apprehension can be accomplished, and there is no longer a need for immediate apprehension.
    - c. The prevailing traffic, roadway and environmental conditions indicate the futility of the continued pursuit.
    - d. The pursuing deputy knows that the fleeing vehicle is operated by a juvenile, or his/her identity has been established to the point that later apprehension can be accomplished, and there is no longer a need for immediate apprehension.
  8. Upon the termination of any vehicle apprehension, the Fleet Manager will inspect all involved department vehicles for damage. If any damage affecting operational components is evident or suspected, the vehicle should be taken out of service until cleared for service by Fleet Maintenance.
- D. INTER-JURISDICTIONAL VEHICLE APPREHENSION
1. Within the County
    - a. If a vehicle apprehension appears likely to cross into the jurisdiction of or influence the operations of a municipal law enforcement agency or other entity within Hendry County, the supervisor and/or the Telecommunications Center shall ensure prompt notice to that municipality or jurisdiction. The relay and update of all relevant information shall continue as long as the vehicle apprehension affects the municipality or jurisdiction.
    - b. It shall be the responsibility of the supervisor monitoring the vehicle apprehension to assess the need and/or coordinate the assistance of the affected municipality or other jurisdiction.

- c. The unit(s) designated as primary and secondary apprehension vehicles shall not relinquish their involvement unless directed by a supervisor.
- 2. Out Bound Vehicle apprehensions
  - a. If a vehicle apprehension appears to be continuing outside of Hendry County and into the jurisdiction of another agency, the Telecommunications Center will inform the affected agency that a vehicle apprehension is traveling in their direction and request their assistance. Such notification should include:
    - 1. Vehicle description and direction of travel.
    - 2. Nature of offense/reason for vehicle apprehension.
    - 3. Any special conditions or considerations.
    - 4. Number of suspects in the fleeing vehicle.
    - 5. Number of units currently involved.
  - b. If the agency having jurisdiction over the area the vehicle apprehension has entered requests the primary unit to discontinue the vehicle apprehension in view of public safety concerns, the primary unit or supervisor should honor that request and immediately terminate the vehicle apprehension.
  - c. Deputies involved in a vehicle apprehension that continues beyond the jurisdictional limits of Hendry County will adhere to the policies established by the Hendry County Sheriff's Office.
  - d. If an arrest is made out of Hendry County, the suspect(s) will be arrested and transported to the local jail in the county where the arrest is made.
- 3. In Bound Vehicle Apprehensions
  - a. Deputies shall not become involved in another agency's vehicle apprehension unless clearly and specifically directed by a HCSO supervisor.
  - b. Assistance with, or involvement in, vehicle apprehensions originating outside of Hendry County that enter Hendry County must meet the same criteria established for vehicle apprehensions that originate in Hendry County. If the criteria does not meet the Hendry County Sheriff's Office policy, deputies shall not involve themselves in the vehicle apprehension and the on duty patrol supervisor may request the apprehending agency terminate the vehicle apprehension due to public safety considerations based upon existing conditions.
  - c. The decision to grant assistance to the requesting agency shall be that of a HCSO patrol supervisor.

#### E. REPORTING

- 1. A report shall be completed after every vehicle apprehension. The report shall be submitted by the deputy conducting the vehicle apprehension and shall be completed by the end of that deputy's tour of duty.
- 2. A supervisor will prepare an overview of the vehicle apprehension incident along with an agency "Vehicle Apprehension Information form: 500.29-01" and forward the information via the chain of command to the Chief Deputy for review. This overview in conjunction with the originating deputy's report shall contain the following information:
  - a. Name(s) of initiating and assisting deputies, and supervisors involved.
  - b. Reason for the vehicle apprehension.
  - c. Place of origin.
  - d. Route of travel.
  - e. Length of vehicle apprehension.
  - f. Point of termination.
  - g. Suspect's name, if apprehended.

- h. Injuries and/or damage that occurred as a result of the vehicle apprehension.
  - i. Any other noteworthy data or findings.
  - j. Audio recording of the event.
  - k. Determination as to whether the event followed the guidelines of this vehicle apprehension Procedure.
- 3. When the definition of a fleeing vehicle is met during a traffic stop or attempted traffic stop and the involved officers do not become involved in a vehicle apprehension, a vehicle apprehension information sheet shall be completed. The completed vehicle apprehension form will be forwarded through the chain of command and be retained in the Professional Standards Unit. The involved deputy will complete an investigation in an attempt to establish the identity of the fleeing vehicle's driver and to determine if criminal charges can be filed. Under these conditions, no supervisory overview is required.
  - 4. A documented analysis by the Professional Standards Unit will be conducted annually of all vehicle apprehensions to determine any patterns, trends, indications for training, or necessary revisions to this Procedure.

## DEFINITIONS

**AVIATION UNIT APPREHENSION MODE** – When available, the helicopter will be utilized to assist with vehicle apprehensions.

**AVIATION UNIT SURVEILLANCE MODE** - The helicopter will keep visual observation on the vehicle without the apparent knowledge of the occupants contained within the vehicle of the helicopter's presence. This mode may be utilized at the supervisor's discretion after ground units are called off.

**BACK UP VEHICLES (UNITS)** - Other emergency police vehicles or other authorized Department vehicles other than the active apprehension vehicles (primary and secondary), may be assigned as back-up units.

**EMERGENCY TRAFFIC** – Cessation of all radio traffic, except by personnel responding to a specific emergency situation.

**EMERGENCY VEHICLE (UNIT)** – Any authorized police vehicle equipped with a siren and a flashing or revolving emergency light(s), which meet the requirements of Florida Statute Chapter 316.

**FLEEING VEHICLE** – A vehicle being operated in such a manner that it is readily apparent that the operator of the vehicle is intending to resist attempts by law enforcement to detain the vehicle and its occupants.

**FELONY** – Any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary, Section 775.08(1), F.S., or jail for an extended term.

**FORCIBLE FELONY** – As defined in Florida Statute 776.08, means treason; murder; manslaughter; sexual battery; carjacking; home invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

**IMMEDIATE SPECIFIC CONTINUING THREAT** – There is significant likelihood, based upon known facts, which can be articulated, of death or serious injury if apprehension is delayed.

**IMMEDIATE SUPERVISOR** (law enforcement emergency operations) – The deputy having direction and authority over the operations of the unit, deputy, or the primary unit involved in the



apprehension. If that supervisor is not the patrol supervisor, the supervisory duties will be assumed by the first available Precinct Patrol Supervisor, who will monitor and direct the vehicle apprehension.

**MISDEMEANOR** – Any criminal offenses that are punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of one year under Section 7750.08(2), F.S.

**PRIMARY APPREHENSION VEHICLE (UNIT)** – Generally the emergency unit, which initiates the vehicle apprehension, or any emergency unit that assumes control of the apprehension as the lead vehicle.

**SECONDARY APPREHENSION VEHICLE (UNIT)** – The emergency unit which trails the primary unit at a safe distance and which is available to assume the primary role of or assist the primary unit.

**TRAFFIC VIOLATIONS** - A traffic offense that is designated as a traffic violation in the statute defining the offense, or any other offense defined in the Florida Administrative Code, that is punishable by a fine, but that is not punishable by a term of imprisonment.

**VEHICLE APPREHENSION** – An active and continuing effort by a deputy sheriff in an authorized emergency vehicle to apprehend the occupant(s) of a moving vehicle, provided the driver of such vehicle is aware, or should be aware, of the attempt being made to stop, and said driver fails to yield after a reasonable time or reasonable distance, or increases speed, or takes other evasive action.

## REFERENCES

State/Federal Regulations:

Florida Statutes 316

Florida Statutes 776.08

CFA:

CFA Standards 14.05M and 18.10M

Forms:

500.29-01 Vehicle Apprehension Review Form

Other Policy/ Procedure References:

None